

Comments on RM-11347

Summary

In this discussion, I analyze the petition for whether the petition supports the claimed problems (it does not) and whether the proposed regulations solve the problems put forth (they do not).

This petition should be denied.

1. What is the problem?

The petitioner did not list problems individually, but covered several items in a few descriptive paragraphs. In order to more fully understand his proposal, I separated the problems described in his paragraphs into a numbered list.

#1 – Stations violate 97.119(a) when they do not identify during the first transmission in a communication (last paragraph, first page of petition)

The petitioner takes the position that the first transmission of a series constitutes "unidentified communications or signals", if that first transmission does not contain identification.

This is not a real problem. 97.119(a) specifically requires a communication to be identified, while using the plural term transmissions in the *same sentence*. The clear intent here is that a single transmission does not need to be identified if it is part of a group of transmissions ("communication") that contains identification. If we accept the petitioner's view, *every* transmission must contain identification, lest it be an "unidentified signal".

The petitioner *may* hold the position that the rules *should* require the behavior he describes, but he does not say so in the petition and gives no reasoning to support that position.

#2 – Some stations ("considerable number") do not identify as often as required.

#3 – Some stations ("fair number") do not identify at all.

#4 - Some operators believe that "the sound of their voice" is sufficient identification.
(2nd paragraph, 2nd page)

This does not match my experience, but the United States is a big country and I concede that common behavior may be different in his area. The petitioner offers anecdotal evidence, but nothing quantitative. His claim would have more merit if he had performed a systematic study that could show how often "considerable number" and "fair number" occur.

#5 – infrequent identification can make it difficult to identify a station under conditions of changing propagation (3rd paragraph, 2nd page)

The specific issue here is that environmental conditions cause ionospheric propagation to vary over time. It is entirely possible for a listener to hear only part of a transmission. Under any possible identification scheme, fading can sometimes cause a listener to be unable to identify some communications.

Here, the claim is even weaker than the previous issues: The petition only states that it is possible for this to be a problem. There is not even an explicit claim that it is a problem, though that is implied by the statement that more stringent ID requirements are needed. Again, the petition would have more merit with actual data to support the claim.

6 – There is "confusion in the regulations" (5th paragraph, 3rd page)

He introduces his proposed regulations with "Because of the confusion in the regulations concerning the correct identification procedures..."

Prior to reading this petition, I had no reason to think there is any confusion in the regulations.

2. Does the new regulation fix anything?

It is apparent that the proposed regulations are poorly suited to the problem set. That is, even if we assume that all the problems discussed in the petition are real and severe, the proposed regulations are not a good solution.

Two of his proposed regulations address problem #1 (no ID in first transmission) by explicitly requiring an identification during the first transmission of a communication. I do not agree that #1 is a real problem, but at least some of the proposed regulations do address a concern described by the petitioner.

I do not count any of the proposed regulations as solving problem #6 (confusing rules). *I find the current rules less confusing than the proposed changes.* I especially note that the proposed new rules contain special cases applying to transmissions of less than 3 minutes, 3 minutes to less than 10 minutes, and greater than 10 minutes. There are also different rules for a communication comprised of a single transmission [rule (i)] and communications comprised of multiple transmissions [rule (ii)].

Problems #2, #3, and #4 are that operators are not obeying the existing rules. Petitioner gives no reason to assume they would be more compliant with more complex rules, so I have not counted the more complex rules as "solving" any of these problems.

The proposed regulations have little useful effect on problem #5 (propagation). If the problem is that signals fade before the listener hears the identification, the *only* possible solution is to require more frequent identification events. The petitioner's

proposed regulations do not do this. Instead, in various cases, the proposed rules have the effect of

- moving the identification from the end of a communication to the beginning (when less than 3 minutes)
- requiring only one more identification at the beginning of a communication (when greater than 3 minutes)
- allowing *less frequent* identification than required under the current regulations (section (iii) "as soon thereafter as possible")

It appears that the proposed new regulations make it *more difficult* to identify a station.

Table 1 shows a row for each section of the proposed new regulation in 97.119(a), and a column for each problem. In the table is YES or NO indicating whether that specific regulation is a solution to that problem.

The interesting result here is that **most subsections of the proposed new regulations do nothing to address the problems they are purported to solve.**

	#1 no ID on first xmit	#2 ID not often enough	#3 no ID at all	#4 sound of voice	#5 skip/fade	#6 confusing rules
(1) include other station's call	NO	NO	NO	NO	NO	NO
(i) ID beginning and end of transmission	YES (single transmit)	NO	NO	NO	NO	NO
(ii) less than 3 minute rule	YES (multiple transmit)	NO	NO	NO	NO	NO
(iii) 10 minute or more rule	NO	NO	NO	NO	NO	NO
(iv) 10 minutes for long transmissions	NO	NO	NO	NO	NO	NO
(v),(vi),(vii) require "THIS IS"	NO	NO	NO	NO	NO	NO

Table 1

Does the regulation solve the stated problems? Overwhelmingly, the answer is NO, except for problem #1 which is not even a real problem.

3. What alternative regulations might be a better solution?

#1 (no ID in first transmission) and #6 (confusion in the regulations)

Since there is no real problem here (the petitioner seems to be in a minority in finding the current regulations confusing), the best answer is to do nothing.

Still, if the Commission finds that either one of these is a problem that must be solved, the best solution is to clarify the existing regulations.

To preserve the prevailing interpretation of the present regulation, 97.119(a) could say:

must transmit its assigned call sign on its transmitting channel within ten minutes of the start of the first transmission of a communication, at the end of each communication, and at least every ten minutes during a communication,

or for slightly better flow of the text, reorder the wording to match the order that you would transmit the identification:

must transmit its assigned call sign on its transmitting channel within ten minutes of the start of the first transmission of a communication, at least every ten minutes during a communication, and at the end of each communication,

Problems #2 through #5

The petitioner has not demonstrated that these problems are severe enough to need a solution. I decline to propose alternative regulations.

4. New Problems

Others have filed comments describing various new problems created by the proposed regulations, so I will not go into detail here.

Conclusion

- The petitioner has failed to demonstrate that the problems he wants to solve are severe enough to require new regulation.
- The petitioner is misreading 97.119(a) to find a "problem" that does not really exist.
- Even if we assume all the petitioner's statements of fact, the proposed regulation does little to solve the cited problems.
- By dusting off old regulations instead of carefully considering how to solve the problems, the petitioner proposes several "solutions" that are unrelated to the problems. (For example, the requirement to say somebody else's call sign as part of your identification, or the requirement to use the specific words "this is" in identifying.)

I do not doubt that the petitioner is sincere in his belief that there are real problems, but because he has neither demonstrated their severity nor proposed an adequate solution, this petition should be denied.